

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
Writ Petition No.2431 of 2016
[Smt. Jayshree Sudhakar Belsare Vs. State of Mah. & four others]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Shri S.I. Khan, Adv., for the petitioner.
Shri Tembhare, AGP for the respondent no.1.

**CORAM : SMT. VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.**

DATE : 26th April, 2016

By this Writ Petition, the petitioner seeks a direction to the respondents to promote the petitioner as an Extension Officer - Health from 2014.

The petitioner was promoted as a Health Assistant [Female] in the year 2007, and, according to the petitioner, she is eligible for being promoted to the post of Extension Officer - Health. It is stated that though the petitioner had made a representation to the respondents to promote the petitioner on the post of

Extension Officer in the three per cent posts that are liable to be earmarked for the persons with disabilities, as the petitioner suffers locomotory disability, the respondents have not considered the case of the petitioner for promotion.

We find that the petition is premature and the relief sought by the petitioner cannot be granted at this stage. When a specific query was made to the learned counsel for the petitioner, whether the respondents have initiated the process for filling up the promotional posts of Extension Officers - Health, the learned counsel for the petitioner has answered in the negative. If the respondents have not started the process for promotion of the Health Assistants to the posts of Extension Officers - Health, a direction cannot be issued against the respondents to promote the petitioner on the post of Extension Officer - Health. As and when a process for promotion is initiated and if at all, the respondents do not specify any post for the persons with disabilities though it may be liable to so specify, then the petitioner would be entitled to file appropriate proceedings for seeking the relief. Even if the posts are earmarked for the persons with disability, the petitioner would be required to compete with the other persons with disabilities in the department while seeking promotion to the post of Extension Officer - Health. A direction cannot be issued against the respondents to directly appoint the petitioner when no process for promotion is initiated.

In view of the aforesaid, the Writ Petition is disposed of with no order as to costs.

The petitioner would be free to file appropriate proceedings if an occasion arises in future. The points raised in the petition are kept open.

Judge

Judge

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